

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JOHN FRANCIS ARPINO,

Case No. 3:14-cv-00034-MMD-VPC

Plaintiff,

ORDER

v.

ISIDRO BACA, et al.,

Defendants.

The Court denied petitioner's motion for relief and directed petitioner to inform the Court what he wished to do with the unexhausted grounds for relief in his habeas corpus petition. Order (ECF No. 33). Petitioner has not complied with the Court's order within the allotted time. The Court will dismiss the action. The dismissal is without prejudice, but the Court makes no statement whether any subsequently filed petition will be timely under 28 U.S.C. § 2244(d).

Reasonable jurists would not find the Court's conclusion to be debatable or wrong, and the Court will not issue a certificate of appealability.

It is therefore ordered that this action is dismissed without prejudice for petitioner's failure to exhaust available state-court remedies. The Clerk of the Court will enter judgment accordingly and close this action.

It is further ordered that a certificate of appealability is denied.

DATED THIS 4<sup>th</sup> day of May 2016.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE